

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Tuesday, September 9, 2014 – 12:00 p.m. – Room 415 State Capitol

Members Present:

Sen. Scott K. Jenkins, Senate Chair
Sen. Lyle W. Hillyard
Sen. Patricia W. Jones
Sen. Peter C. Knudson
Sen. Karen Mayne
Sen. Stuart C. Reid

Members Absent:

Sen. Stephen H. Urquhart

Staff Present:

Mr. Michael E. Christensen, Director
Ms. Susan Creager Allred, Associate General Counsel
Ms. Kristen Ricks, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 12:05 p.m. Sen. Urquhart was excused from the meeting.

MOTION: Sen. Reid moved to close the meeting for the purpose of discussing the character, professional competence, and physical or mental health of the judicial candidates. The motion passed unanimously with Sen. Knudson absent for the vote.

MOTION: Sen. Reid moved to open the meeting. The motion passed unanimously.

2. Interview of Ms. Kate A. Toomey

Ms. Kate A. Toomey was placed under oath by Mr. Christensen. Ms. Toomey introduced her family and friends in attendance and thanked the committee and the governor for this opportunity and for their consideration. She provided a personal background statement to the committee and shared stories of her Utah upbringing. She talked about her career as an archeologist and explained her transition from a career in archeology to a career in law. She shared her long-standing desire to be an appellate judge. Ms. Toomey gave an overview of her law school involvements and professional career as an attorney and judge. She said that because District Court judges deal with a wide array of case types, her experience has made her well suited for the Court of Appeals. She expressed a deep commitment to practicing the principles of law and treating people with respect.

She responded to questions from the committee regarding team work, working in a collegiate court setting, alimony guideline modifications, her public service opportunities, child support, judicial demeanor, and judicial activism. She discussed her public service involvements such as: public speaking, volunteering with elementary schools, working on different committees, and sitting on various boards. The primary responsibility of the Court of Appeals is to offer a correction of error through applying and articulating what the law says, she said. In response to Sen. Jenkins, Ms. Toomey said that there is nothing in her past that, if made public, would be an embarrassment to her or the bench.

MOTION: Sen. Hillyard moved to favorably recommend to the full Senate that Ms. Toomey be confirmed as a judge to the Utah Court of Appeals. The motion passed unanimously.

3. Other Items/Adjourn

MOTION: Sen. Knudson moved to adjourn the meeting. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 1:37 p.m.